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**MAY 19 2005**

**OFFICE OF PETITIONS**

In re Application of  
Arturo Olaya  
Application No. 10/775,969  
Filed: October 22, 2004  
Attorney Docket No.

DECISION GRANTING PETITION

This is a decision on the petition filed October 22, 2004. The petition will be treated as petition filed under 37 CFR 1.182.

The petition is **granted**.

On February 11, 2004, the above-identified application was filed. However, on October 4, 2004, the Office of Initial Patent Examination mailed the Notice stating that application had been accorded a filing date of February 11, 2004, and advising applicant that pages 6 of the specification appeared to have been omitted. As to the requirement for page 6 of the specification, the notice set a non-extendable period for reply two-months from its mailing date. The Notice also required replacement drawings be filed.

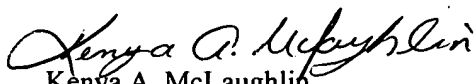
In response, on October 22, 2004, applicant filed the present petition, page 6 of the specification, and a supplemental declaration. Applicant also filed two sheets of drawings, but indicated that he did not believe replacement drawings should be required.

As to the omitted page 6 of the specification, applicant appears to be exercising option II as presented in the Notice, which allows applicant to supply the omitted item and accept the date that the omitted item is filed as the filing date of the above-identified application. Accordingly, the subject application is accorded a filing date of October 22, 2004, with page 6 of the specification as part of the original disclosure.

The petition fee of \$130.00 will not be refunded as it was required in order for the petition to be considered grantable and applicant provided no evidence that page 6 of the specification was present on the original filing date of February 11, 2004. The extension of time obtained by petitioner was not necessary and the fee of \$55.00 will be refunded to petitioner in due course.

The application file will be directed to the Office of Initial Patent Examination with a filing date of October 22, 2004. The Office of Initial Patent Examination will review the drawings filed October 22, 2004, and issue a corrected filing receipt reflecting the new application filing date of October 22, 2004.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3222.

  
Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions